

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

BENNY DE CARLO GALLEGOS,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No. 1:24-cv-01072-CDB

**ORDER ADMINISTRATIVELY CLOSING
INSTANT CASE AS OPENED IN ERROR**

Plaintiff Benny De Carlo Gallegos (“Plaintiff”) appearing pro se, seeks judicial review of a final decision of the Commissioner of Social Security (“Commissioner” or “Defendant”) denying his application for disability insurance benefits and supplemental income benefits under the Social Security Act. On March 28, 2024, the Honorable Magistrate Judge Stanley A. Boone issued an order that Plaintiff’s appeal from an unfavorable decision of the Commissioner be denied. *Gallegos v. Commissioner of Social Security*, No. 1:23-cv-00090-SAB, Doc.19.¹ That same day, Judge Boone ordered that judgment be entered in favor of the Commissioner and against Plaintiff and this the case be closed. (*Gallegos*, Docs. 19-20). Plaintiff did not file a timely appeal of the Court’s order. *See generally* (*Gallegos*, Doc.).

¹ A court may take judicial notice of court records in another case. *United States v. Howard*, 381 F.3d 873, 876 n.1 (9th Cir. 2004).

1 Plaintiff filed this action on September 10, 2024, and a motion to proceed in forma
2 pauperis. (Docs. 1-2). Plaintiff asserts the Commissioner, Administrative Law Judge Laura
3 Bernasconi, and Judge Boone “overlooked [his] substantial evidence” and seeks to appeal the
4 Court’s decision. (Doc. 1 at 5-6). Therefore, the undersigned construes the instant action as an
5 attempt by Plaintiff to appeal or seek reconsideration of the Court’s decision in *Gallegos*, No.
6 1:23-cv-00090-SAB. Therefore, it appears the instant action was opened in error. As a result, the
7 Court will direct the Clerk of the Court to correct this error by closing the incorrectly opened new
8 case (Doc. 1).

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. The Clerk of the Court shall ADMINISTRATIVELY CLOSE Case No. 1:24-cv-01072-
11 CDB; and
- 12 2. The Clerk of the Court shall file in *Gallegos v. Commissioner of Social Security*, No.
13 1:23-cv-00090-SAB, the complaint (Doc. 1) filed and this order issued in 1:24-cv-01072-
14 CDB, and to docket the filing as a motion for reconsideration.

15 IT IS SO ORDERED.

16 Dated: October 2, 2024

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18 UNITED STATES MAGISTRATE JUDGE
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